

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JOSEPH SMITH,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY,

Defendant.

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CASE NO. 2:07-cv-527

JURY TRIAL REQUESTED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, Joseph D. Smith ("Smith") files this Original Complaint and would show the court the following:

PARTIES

1. Plaintiff Smith is an individual, who resides at 15211 County Rd. 4255 South, Henderson, Texas 75654-6148. All pleadings may be served on Smith through his attorney-in-charge, David K. Anderson, Anderson & Cunningham, P.C., 270 First City Tower, 1001 Fannin, Houston, Texas 77002-6799.

2. Defendant General Electric Company ("GE") is a New York corporation doing business in the State of Texas. GE may be served through its registered agent, CT Corporation System, 350 North St. Paul St., Dallas, TX 75201.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 because this is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 271, *et seq.*

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§§ 1391(b), (c) and 1400(b).

PATENTS IN SUIT

1. On August 26, 2003, United States Letters Patent No. 6,611,686 B1, entitled "Tracking Control and Logistics System and Method" ("the '686 Patent") issued.

2. Smith is the lawful owner and holder of the '686 patent.

FACTUAL BACKGROUND

1. GE is a provider of real-time asset tracking and cargo monitoring. Using Global Positioning technology, and the ORBCOMM low-earth satellite system, GE customers can monitor their assets via the Internet, and report their positions accurately. The data is visible through the GE Trailer Fleet Premier Services web interface. GE can also send the data directly to the client's computer via XML data exchange.

2. GE's VeriWise is a two-way data transmission system in which various types of information can be sent from and received by the VeriWise device. It consists of in-field data collection units (the VeriWise devices) that collect and transmit various data, GPS and low-earth satellite systems, GE Servers and various Web-based applications. For example, it can monitor door and cargo status, temperature, location, and many other variables.

3. According to its website, GE's VeriWise allows the customer to communicate with the in-field devices to make requests or modification using over-the-air (OTA) commands.

4. GE currently provides these products and services to customers in Texas as well as customers throughout the United States.

CAUSE OF ACTION FOR PATENT INFRINGEMENT

1. Smith incorporates by reference each and every allegation contained within the paragraphs above as if fully set forth herein.

2. Defendants have directly infringed, and are directly infringing, the '686 patent by making, using, offering for sale, and/or selling these products and services. Defendants have also infringed, and are also infringing, this patent under the doctrine of equivalents by making, using, offering for sale, and/or selling these products, methods and services. Defendants have induced others to infringe Smith's patent. Defendants have engaged in these activities within this judicial district and elsewhere in the United States, without the consent of Smith.

3. GE's unlawful infringement of this patent has caused immediate and irreparable injury, and unless they are enjoined, their continued infringement will cause Smith injury for which there is no adequate remedy at law.

4. Smith also requests compensation for GE' past infringement and for any future infringement.

JURY TRIAL

1. Pursuant to Fed. R. Civ. P. 38 and 39, Smith hereby demands a trial by jury.

PRAYER

WHEREFORE, Plaintiff Smith prays that the Court grant the following relief against GE:

A. Judgment in favor of Plaintiff Smith and against GE;

B. Preliminary and permanent injunctions, enjoining GE and those in privity with or acting in concert with them from further infringement of the Smith patent;

C. Damages against GE adequate to compensate Smith for such acts of infringement;

D. Reasonable attorneys' fees in accordance with 35 U.S.C. § 285;

E. Award of Interest and costs; and

F. Such other and further relief as is just and proper.

Respectfully submitted

ANDERSON & CUNNINGHAM, P.C.

s/_____
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